

109TH CONGRESS  
1ST SESSION

# H. R. 4029

To ensure fairness in gasoline, diesel fuel, and home heating oil prices.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Ms. DELAURO introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To ensure fairness in gasoline, diesel fuel, and home heating  
oil prices.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fuel Price Fairness  
5       Act”.

6       **SEC. 2. DEFINITIONS.**

7       As used in this Act—

8               (1) the term “Commission” means the Federal  
9       Trade Commission;

10              (2) the term “integrated oil company” has the  
11       meaning given such term in section 291(b)(4) of the

1 Internal Revenue Code of 1986 (26 U.S.C.  
2 291(b)(4)); and

3 (3) the term “refinery” means any industrial  
4 plant located in the United States which is designed  
5 to serve the primary purpose of processing liquid  
6 fuel from crude oil or qualified fuels.

7 **SEC. 3. DECLARATION OF ENERGY PRICE EMERGENCY.**

8 (a) DECLARATION.—The Commission, in consulta-  
9 tion with the Secretary of Energy, shall have the authority  
10 to declare a national or regional energy price emergency  
11 if the Commission finds that the health, safety, welfare,  
12 or economic well-being of the citizens of the United States,  
13 or a region of the United States, is at risk because of a  
14 shortage or imminent shortage of adequate supplies of  
15 crude oil, gasoline, diesel fuel, or home heating oil due to  
16 a disruption of national or regional distribution systems  
17 for crude oil, gasoline, natural gas, or petroleum distillates  
18 (including such a shortage related to a major disaster (as  
19 defined in section 102(2) of the Robert T. Stafford Dis-  
20 aster Relief and Emergency Assistance Act (42 U.S.C.  
21 5122))), or significant pricing anomalies in national or re-  
22 gional energy markets for crude oil, gasoline, diesel fuel,  
23 or home heating oil of a more than transient nature.

24 (b) INFORMATION SHARING.—For purposes of moni-  
25 toring the supplies of crude oil, gasoline, diesel fuel, or

1 home heating oil in compliance with subsection (a), the  
 2 Secretary of Energy shall permit the Commission to have  
 3 regular and constant access to any information obtained  
 4 by or in the possession of the Energy Information Admin-  
 5 istration.

6 (c) DURATION OF DECLARED EMERGENCY.—A na-  
 7 tional or regional price emergency declared under this sec-  
 8 tion shall terminate not later than 30 days after such a  
 9 declaration at the discretion of the Commission.

10 **SEC. 4. DISCLOSURE OR ENERGY PRICING DURING ENERGY**  
 11 **PRICE EMERGENCY.**

12 During a declared national or regional energy price  
 13 emergency, an integrated oil company or refinery shall—

14 (1) not later than 30 days after a declaration  
 15 of such an emergency, disclose to the Commission  
 16 the prevailing price of crude oil and wholesale price  
 17 of refined gasoline, diesel, home heating oil, based  
 18 on invoices, for each week during the period of 60  
 19 days immediately preceding the declaration of an en-  
 20 ergy emergency; and

21 (2) not later than 15 days after a termination  
 22 of such an emergency, disclose to the Commission  
 23 the prevailing price of crude oil and wholesale price  
 24 of refined gasoline, diesel, home heating oil, based

1 on invoices, for each week of the period in which a  
2 national price emergency is in effect.

3 **SEC. 5. UNREASONABLE PRICING PROHIBITED.**

4 (a) UNLAWFUL RETAIL PRICING.—During a national  
5 energy price emergency declared under section 3, or in a  
6 region declared to be in a regional energy price emergency  
7 under such section, it shall be unlawful for any person  
8 to sell at retail gasoline, diesel fuel, or home heating oil  
9 at an unreasonable price.

10 (b) UNLAWFUL SUPPLY OR WHOLESALE PRICING.—  
11 During a national energy price emergency declared under  
12 section 3, or in a region declared to be in a regional energy  
13 price emergency under such section, it shall be unlawful  
14 for any integrated oil company or refinery to sell crude  
15 oil or refined gasoline, diesel fuel, or home heating oil at  
16 an unreasonable price.

17 (c) UNREASONABLE PRICE.—Not later than 60 days  
18 after the date of the enactment of this Act, the Federal  
19 Trade Commission shall, by rule, determine what con-  
20 stitutes an unreasonable price for purposes of subsections  
21 (a) and (b).

22 (d) ENFORCEMENT AGAINST RETAILERS.—A viola-  
23 tion of subsection (a) shall be treated as a violation of  
24 a rule defining an unfair or deceptive act or practice pre-  
25 scribed under section 18(a)(1)(B) of the Federal Trade

1 Commission Act (15 U.S.C. 57a(a)(1)(B)). The Commis-  
2 sion shall enforce such subsection (and the rule promul-  
3 gated pursuant to subsection (c)) in the same manner, by  
4 the same means, and with the same jurisdiction as though  
5 all applicable terms and provisions of the Federal Trade  
6 Commission Act were incorporated into and made a part  
7 of this section.

8 (e) CRIMINAL ENFORCEMENT AGAINST OIL COMPA-  
9 NIES AND REFINERIES.—Any person who violates sub-  
10 section (b) shall be fined under title 18 an amount not  
11 more than \$2,000,000, or imprisoned for a period of not  
12 more than 2 years, or both.

13 **SEC. 6. REPORT ON COMMODITIES MARKET.**

14 Not later than 1 year after enactment of this Act,  
15 the Federal Trade Commission shall conduct a study on  
16 the effects of increased and possible excess trading of oil  
17 and gasoline futures contracts on the rising cost of oil and  
18 gasoline commodities, and shall transmit a report of its  
19 findings to the House of Representatives and the Senate.

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